IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16553 of 2004

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Between:

Maddineti Nageshwaramma, w/o late Madhavaiah,
r/at Plot No.118-E, Door No.25/8/2, Savithri Nagar,

Vedayapalem, Nellore-4.

..... PETITIONER

AND

-

Mandal Revenue Officer, Nellore,

Nellore District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ direction or order one more particularly in the nature of the writ of mandamus declaring the action of the respondent in seeking to dispossess the petitioner and her family members from 100 sq. yards of site wherein 4 bunks and a shed exists comprised in Sy.No.2040 & 2041 and Plot No.118-E in Nellore Bit-I of Nellore Mandal without passing any order under section 6 of the Andhra Pradesh Land Encroachment Act after considering the explanation of the petitioner dated 11-06-2003 to the notice of the respondent dated 05-06-2003 issued under section 7 of the Andhra Pradesh Land Encroachment Act as illegal, arbitrary and high handed and violative of the provisions of the Andhra Pradesh Land Encroachment Act, Articles 14 and 21 of Constitution of India and Principles of natural justice and consequently direct the respondent not to dispossess the petitioner and her family members from the above said site wherein Kamakshi Auto Xerox and STD Booth besides Laxmi Vulcanizing shed are located without following the due process of law.

Counsel for the Petitioner: MR.M.VENKATA NARAYANA

Counsel for Respondent: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for the respondents. Both have no objection for disposal of the writ petition at the admission stage.

Against the notice issued under Section 7 of the Andhra Pradesh Land Encroachment Act (for short the Act) dated 11-6-2003, petitioner submitted his

explanation to the respondent on the same day, and states that so far no final orders are passed under Section 6 of the Act nor communicated to the petitioner. Without passing final orders, the petitioner shall not be dispossessed from the suit scheduled property.

In view of the same, until final orders are passed under Section 6 of the Act, if not already passed and communicated to the petitioner, the respondent shall not interfere with the possession of the petitioner, till statutory period of appeal is expired from the date of such communication of the order. If the order has already been communicated and received by the petitioner, it is open for the respondent to proceed further as per the orders passed under Section 6 of the Act.

With the above direction, the writ petition is disposed of at the admission stage.

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A. Gopal Reddy, J.

15th September, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Mandal Revenue Officer, Nellore, Nellore District.

2 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

3 2 CD copies.